

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

AMAZON.COM SERVICES LLC

and

**Cases 13-CA-301810
13-CA-304768**

(b) (6), (b) (7)(C), an Individual

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT, AND NOTICE
OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Cases 13-CA-301810 and 13-CA-304768, which are based on charges filed by (b) (6), (b) (7)(C) an Individual (Charging Party), against Amazon.com Services LLC. (“Respondent”) are consolidated.

This Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent has violated the Act as described below.

I

(a) The charge in 13-CA-301810 was filed by the Charging Party on August 19, 2022, and a copy was served on Respondent by U.S. mail on August 22, 2022.

(b) The first amended charge in 13-CA-301810 was filed by the Charging Party on September 27, 2022, and a copy was served on Respondent by U.S. mail on September 27, 2022.

(c) The second amended charge in 13-CA-301810 was filed by the Charging Party on February 17, 2023, and a copy was served on Respondent by U.S. mail on February 17, 2023.

(d) The charge in 13-CA-304768 was filed by the Charging Party on October 6, 2022, and a copy was served on Respondent by U.S. mail on October 6, 2022.

(e) The first amended charge in 13-CA-304768 was filed by the Charging Party on February 17, 2023, and a copy was served on Respondent by U.S. mail on February 17, 2023.

II

(a) At all material times, Respondent, has been a limited liability company, with headquarters in Seattle, Washington, and offices and places of business throughout the United States, including in Joliet, Illinois (Respondent’s MDW2 Joliet facility), Channahon, Illinois

(Respondent's ORD2 Channahon facility), Monee, Illinois (Respondent's MDW7 Monee facility), and Romeoville, Illinois (Respondent's MDW6 Romeoville facility), and has been engaged in the business of providing online retail sales as well as warehousing and distribution of consumer products throughout the United States.

(b) In conducting its operations described above in Paragraph II(a), during the past 12 months, which is representative of all material times, Respondent, from each of its Illinois facilities listed in II(a), derived gross revenues in excess of \$500,000, and sold and shipped products, goods, and materials valued in excess of \$5,000 directly to points outside the State of Illinois.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

III

(a) About August 3, 2022, Respondent's employees engaged in concerted activities with other employees outside of Respondent's MDW2 Joliet facility for the purposes of mutual aid and protection by talking to and collecting signatures from employees for a petition for higher pay.

(b) About August 25, 2022, Respondent's employees engaged in concerted activities with other employees outside of Respondent's MDW7 Monee facility for the purposes of mutual aid and protection by talking to and collecting signatures from employees for a petition for higher pay.

(c) About August or September 2022, Respondent's employees engaged in concerted activities with other employees outside of Respondent's ORD2 Channahon facility for the purposes of mutual aid and protection by talking to and collecting signatures from employees for a petition for higher pay.

(d) About September 23, 2022, Respondent's employees engaged in concerted activities with other employees outside of Respondent's MDW6 Romeoville facility for the purposes of mutual aid and protection by talking to and collecting signatures from employees for a petition for higher pay.

IV

(a) About August 3, 2022, Respondent, through agents whose names are currently unknown, outside of Respondent's MDW2 Joliet facility:

i. Instructed employees that they cannot engage in the protected concerted activities referenced in Paragraph III(a) and directed them to leave the property and go across the street.

ii. Engaged in surveillance of employees to monitor and/or discover their concerted activities and told employees that their activities were under surveillance by Respondent.

iii. Threatened its employees with calling the police if they did not leave the property and because of their protected concerted activities referenced in Paragraph III(a).

iv. Contacted the police who came to Respondent's MDW2 Joliet facility.

v. Instructed employees that they do not have a right to be on Respondent's property outside of the MDW2 Joliet facility, asked them to go across the street off Respondent's property, and orally instructed the police to remove the employees from Respondent's property.

(b) Since on or about a date within the six months of the filing of the instant charges and at all material times, Respondent has maintained at all of its facilities nationwide in the United States, including the facilities listed in Paragraph II(a) above, its "Amazon Solicitation Policy" (last revised on February 22, 2022) which, among other things, prohibits "the solicitation of any kind by employees on company property during working time" and prohibits the "distribution of literature or materials of any type or description by employees in working areas at any time."

i. Respondent's February 22, 2022 nationwide Solicitation Policy required employees to obtain prior approval of Respondent's Human Resources representatives for any exceptions to the Solicitation policy.

ii. By its February 22, 2022 overly broad Solicitation Policy, Respondent has been interfering with employees engaging in protected union or other protected concerted activities, including by prohibiting the distribution of literature or the solicitation of memberships or signatures on petitions.

iii. Respondent has enforced its Solicitation Policy described above in IV(b)(i) selectively and disparately by applying it only against employees who engaged in union activity and/or other protected concerted activity.

(c) About August 25, 2022, Respondent, through agents whose names are currently unknown, outside of Respondent's MDW7 Monee facility:

i. Instructed employees that they cannot engage in protected concerted activities referenced in Paragraph III(b).

ii. Instructed that employees engaged in protected concerted activities referenced in Paragraph III(b) follow its overly-broad "Amazon Solicitation Policy" referenced in Paragraphs IV(b)(i)-(iv), or in the alternative, if the "Amazon Solicitation Policy" referenced in Paragraphs IV(b)(i)-(iv) is not overly-broad, that it directed said employees engaged in protected concerted activities referenced in Paragraph III(b) to follow its "Amazon Solicitation Policy," thus discriminatorily applying its policy towards those engaged in protected concerted activities.

iii. Instructed employees engaged in protected concerted activities referenced in Paragraph III(b) to leave the property.

iv. Engaged in surveillance of employees to monitor and/or discover their concerted activities.

(d) About August or September 2022, Respondent, through an agent whose name is currently unknown, outside of Respondent's ORD2 Channahon facility instructed employees that they should not be at the property engaging in protected concerted activities referenced in Paragraph III(c).

(e) About September 23, 2022, Respondent through agents whose names are currently unknown, outside of Respondent's MDW6 Romeoville facility:

i. Instructed employees engaged in protected concerted activities referenced in Paragraph III(d) to leave the property.

ii. Threatened its employees with calling the police if they did not leave the property and because of their protected concerted activities referenced in Paragraph III(d).

iii. Contacted the police who came to Respondent's MDW6 Romeoville facility.

iv. Engaged in surveillance of employees to monitor and/or discover their concerted activities.

v. Interrogated its employees about their protected concerted activities.

(f) Since on or about a date in the last 6 months of the filing of the instant charges, and at all material times, Respondent has maintained at all of its facilities nationwide in the United States, including the facilities listed in Paragraph II(a) above, its Off Duty Access policy (last revised on June 30, 2022), providing, in relevant part:

“During their off-duty periods (that is, on their days off and before and after their shifts), employees are not permitted inside the building or in working areas outside the building.”

i. By Respondent's conduct above in Paragraphs IV(a), IV(c), IV(d), and IV(e), Respondent enforced its Off Duty Access policy described in IV(f)(i) against off-duty employees who were in non-working areas outside the building and who were engaged in protected concerted activities as described in paragraphs III(a)-(d).

ii. By Respondent's conduct above in Paragraphs IV(a), IV(c), IV(d), and IV(e), Respondent enforced its Off Duty Access policy described in IV(f)(i) selectively and disparately by applying it only against employees who engaged in union activity and/or other protected concerted activity.

V

By the conduct described above, in paragraph IV, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

VI

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order requiring that Respondent:

(1) Physically post the Notice to Employees (“Notice”) in all locations where Respondent typically posts notices to employees, including but not limited to employee breakrooms (Table Top displays) and in all “inStallments” (employee bathrooms and bathroom stalls), and that Respondent electronically distribute the Notice by all methods that Respondent communicates with its employees, including but not limited to email, text message, social media, Voice of Associates (VOA) and applications, including the Amazon A to Z app and its “inSites.” The physical and electronic Notice shall be in English and in Spanish and any other languages deemed necessary to apprise employees of their Section 7 rights;

(2) physically post the Notice of Employee Rights in all locations where Respondent typically posts notices to employees, including but not limited to employee breakrooms (Table Top displays) in all “inStallments” (employee bathrooms and bathroom stalls), and that Respondent electronically distribute the Notice of Employee Rights by all methods that Respondent communicates with its employees, including but not limited to email, text message, social media, Voice of Associates (VOA) and applications, including the Amazon A to Z app and its “inSites.” The physical and electronic Notice of Employee Rights shall be in English and Spanish and any other languages deemed necessary to apprise employees of their Section 7 rights;

(3) by a representative of Respondent, read the Notice to Employees, in English and Spanish and any other languages deemed necessary, in the presence of a Board Agent and the Charging Parties, at a meeting(s) convened by Respondent for each of its facilities nationwide, such meeting(s) to be scheduled to ensure the widest possible employee attendance;

(4) schedule with Region 13 of the National Labor Relations Board a mandatory training session(s) for all Respondent supervisors, managers, and agents (including security personnel and all outside labor or management consultants) covering the rights guaranteed to employees under Section 7 of the Act and submit an attendance list to the Regional Director within 7 days of the training session(s);

(5) hand-deliver and email the signed Notice to all supervisors, managers and agents, along with written instructions signed by Respondent’s representative, directing them to comply with the provisions of the Notice, and provide the Regional Director of Region 13 written proof of compliance;

(6) rescind the unlawful “Off Duty Access” policy described above in Paragraph IV(f) at all Respondent facilities where that policy is in effect for a period of three years and provide appropriate written and electronic notification to all employees at each of those facilities that Respondent has rescinded the Off Duty Access policy. Should Respondent wish to reinstate a lawful access policy after the three-year period, Respondent must include a disclaimer that Respondent will not apply or enforce the policy discriminatorily to Section 7 activities;

(7) rescind the unlawful “Solicitation Policy” described above in Paragraph IV(b) at all Respondent facilities where that policy is in effect and provide appropriate written and electronic notification to all employees at each of those facilities that Respondent has rescinded the Solicitation Policy. Should Respondent wish to reinstate a lawful solicitation policy after the conclusion of the Notice Posting period, Respondent must include a disclaimer that Respondent will not apply or enforce the policy discriminatorily to Section 7 activities;

(8) allow Union representatives reasonable access to Respondent’s bulletin boards and other places where notices to employees are customarily posted;

(9) allow Union representatives reasonable access to Respondent’s facilities in non-work areas during non-work time;

The General Counsel further seeks all other relief found to be just and proper to remedy the unfair labor practices alleged and effectuate the policies of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board’s Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before June 5, 2023, or postmarked on or before June 2, 2023.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency’s website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency’s website informs users that the Agency’s E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency’s website was off-line or unavailable for some other reason. The Board’s Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board’s Rules and

Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **Monday October 2, 2023 at 10:00 a.m. at 219 S. Dearborn St., Suite 808, Chicago, IL 60604**, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: May 22, 2023

/s/ *Angie Cowan Hamada*

Angie Cowan Hamada
Regional Director
National Labor Relations Board
Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-301810

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.